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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

KRISTIN K. MAYES, Chairman
GARY PIERCE
PAUL NEWMAN
SANDRA D. KENNEDY
BOB STUMP

2009 JUN 15 A 10: 54

Arizona Corporation Commission

DOCKETED

ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

JUN 15 2009

DOCKETED BY

IN THE MATTER OF:

DOCKET NO. S-03497A-09-0242

MERRILL LYNCH, PIERCE, FENNER & SMITH
INCORPORATED,

RESPONDENT.

**PROCEDURAL ORDER GRANTING
ADMISSION PRO HAC VICE**

BY THE COMMISSION:

On June 9, 2009, pursuant to Arizona Supreme Court Rule 38, Laura M. Kam, an attorney with DLA Piper LLP (US) filed with the Arizona Corporation Commission ("Commission") a Motion and Consent of Local Counsel for Temporary *Pro Hac Vice* Admission of Timothy P. Burke of Bingham McCutchen LLP in the above-captioned matter.

On June 10, 2009, by Procedural Order, the request for temporary admission *pro hac vice* of Timothy P. Burke to appear before the Commission was granted providing that the completion of the application procedures occurs within 45 days of the procedural order.

On June 11, 2009, Ms. Kam filed a Motion to Appear Pro Hac Vice for Mr. Burke's permanent admission *pro hac vice* in this matter ("Motion"). In support of the Motion, Ms. Kam stated that Mr. Burke is a member in good standing with the Massachusetts Bar and the New York State Bar and has been licensed to practice law in both states since 1992; and that Mr. Burk is not now, now has he ever been, under suspension or subject to any disciplinary action with respect to the practice of law. Attached to the Motion were Mr. Burke's Notice of Receipt of Complete Application, Nonresident Attorney Pro Hac Vice Application, and certificates of good standing from the Massachusetts Supreme Judicial Court and the Appellate Division of the Supreme Court of the State of New York, Second Judicial Department.

1 IT IS THEREFORE ORDERED that Timothy P. Burke shall be admitted *pro hac vice* in the
2 above-captioned matter. His address for service of papers and other communication shall be:


3 Timothy P. Burke
4 BRINGHAM MCCUTCHEN LLP
5 One Federal Street
6 Boston, MA 02110

7 IT IS FURTHER ORDERED that the address for service of papers and other communications
8 for the Arizona-licensed attorney shall be:

9 Laura M. Kam
10 DLA PIPER LLP (US)
11 2525 East Camelback Road, Suite 1000
12 Phoenix, AZ 85016-4232

13 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
14 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the
15 Rules of the Arizona Supreme Court). Representation before the Commission includes the obligation
16 to appear at all hearings and procedural conferences, as well as all Open Meetings for which the
17 matter is scheduled for discussion, unless counsel has previously been granted permission to
18 withdraw by the Administrative Law Judge.

19 DATED this 15th day June, 2009.

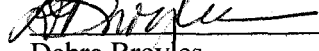
20 
21 LYN FARMER
22 CHIEF ADMINISTRATIVE LAW JUDGE

23 Copies of the foregoing mailed/delivered
24 this 15th day of June, 2009 to:

25 Laura M. Kam
26 DLA PIPER LLP (US)
27 2525 East Camelback Road, Suite 1000
28 Phoenix, AZ 85016-4232

Timothy P. Burke
BRINGHAM MCCUTCHEN LLP
One Federal Street
Boston, MA 02110

Matt Neubert, Director
Securities Division
ARIZONA CORPORATION COMMISSION
1300 West Washington Street
Phoenix, AZ 85007

By: 
Debra Broyles
Secretary to Lyn Farmer